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BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT AND DESIGN APPLICATIONS**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title: DEVICE FOR IMPLANTING A ROW OF RADIOACTIVE SEEDS AND NON-RADIOACTIVE SPACERS IN AN ANIMAL BODY

Fill in Appropriate Information -
For Use Without Specification Attached: the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:
The specification was filed on October 1, 2003 as
United States Application Number _____;
and amended on _____ (if applicable) and/or
the specification was filed on _____ as PCT
International Application Number _____; and was
amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Insert Priority
Information:
(if appropriate)

(Number)	(Country)	(Month/Day/Year Filed)
<u>02079170.3</u>	<u>EUROPE</u>	<u>October 7, 2002</u>
____	____	____
____	____	____
____	____	____
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Priority Claimed

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional
Application(s):
(if any)

(Application Number)	(Filing Date)
____	____
(Application Number)	(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested
Information:
(if appropriate)

Country	Application Number	Date of Filing (Month/Day/Year)
____	____	____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.
Application(s):
(if any)

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
____	____	____
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

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I hereby appoint the practitioners at CUSTOMER NO. 02292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or CUSTOMER NO. 02292

P.O. Box 747 • Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First
or Sole Inventor:
Insert Name of
Inventor
Insert Date This
Document is Signed

Insert Residence or
Insert Citizenship

Insert Post Office
Address

Full Name of Second
Inventor, if any:
see above

Full Name of Third
Inventor, if any:
see above

Full Name of Fourth
Inventor, if any:
see above

Full Name of Fifth
Inventor, if any:
see above

Full Name of Sixth
Inventor, if any:
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Johann KINDLEIN	<i>J. Kindlein</i>	14.11.2003
Residence (City, State & Country)	CITIZENSHIP	
Oberhausen, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Lircherstrasse 153F, D-46049 Oberhausen, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Arie Luite VISSCHER	<i>A. L. Vischer</i>	20.04.2004
Residence (City, State & Country)	CITIZENSHIP	
Driebergen, The Netherlands	Dutch	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Verhulstlaan 13, 3791 RD Driebergen, The Netherlands		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Ulrike LUTZ	<i>Ulrike Lutz</i>	10.11.03
Residence (City, State & Country)	CITIZENSHIP	
Arnhem, The Netherlands	Dutch	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
albert Schweitzerstraat 50, 6816 LB Arnhem, The Netherlands		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Jeroen SCHUURMAN	<i>J. Schuurman</i>	14.11.2003
Residence (City, State & Country)	CITIZENSHIP	
Amersfoort, The Netherlands	Dutch	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Liendertseweg 55, 3814 PJ Amersfoort, The Netherlands		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Mark Alexander ADAM	<i>M. A. Adam</i>	19.11.03
Residence (City, State & Country)	CITIZENSHIP	
Amsterdam, The Netherlands	Dutch	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Marie Heinekenplein 101, 1072 MK Amsterdam, The Netherlands		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)		

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